

1 KEKER & VAN NEST LLP
2 ROBERT A. VAN NEST, #84065
3 rvannest@kvn.com
4 CHRISTA M. ANDERSON, #184325
5 canderson@kvn.com
6 DANIEL PURCELL, #191424
dpurcell@kvn.com
633 Battery Street
5 San Francisco, CA 94111-1809
4 Tel: 415.391.5400
3 Fax: 415.397.7188

KING & SPALDING LLP
DONALD F. ZIMMER, JR. - #112279
fzimmer@kslaw.com
CHERYL A. SABNIS - #224323
csabnis@kslaw.com
101 Second Street, Suite 2300
San Francisco, CA 94105
Tel: 415.318.1200
Fax: 415.318.1300

7 KING & SPALDING LLP
8 SCOTT T. WEINGAERTNER
(Pro Hac Vice)
9 sweingaertner@kslaw.com
10 ROBERT F. PERRY
rperry@kslaw.com
11 BRUCE W. BABER *(Pro Hac Vice)*
12 1185 Avenue of the Americas
New York, NY 10036
Tel: 212.556.2100
Fax: 212.556.2222

IAN C. BALLON - #141819
ballon@gtlaw.com
HEATHER MEEKER - #172148
meekerh@gtlaw.com
GREENBERG TRAURIG, LLP
1900 University Avenue
East Palo Alto, CA 94303
Tel: 650.328.8500
Fax: 650.328-8508

13 Attorneys for Defendant
14 GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

19 ORACLE AMERICA, INC.,
20 Plaintiff,
21 v.
22 GOOGLE INC.,
23 Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF DAVID ZIMMER
IN SUPPORT OF GOOGLE INC.'S
OPPOSITION TO ORACLE'S MOTION
TO STRIKE PORTIONS OF DR. JAMES
KEARL'S EXPERT REPORT**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William Alsup

I, DAVID ZIMMER, declare as follows:

1. I am an associate with the law firm of Keker & Van Nest LLP, counsel to Google Inc. (“Google”) in the present case. I submit this declaration in support of Google’s Opposition to Oracle America, Inc.’s (“Oracle”) Motion to Strike Portions of Dr. James Kearl’s Expert Report. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto could do so competently under oath.

2. Attached as **Exhibit A** are true and correct copies of excerpted pages from the transcript of the deposition of Aditya Agarwal, taken April 8, 2011.

3. Attached as **Exhibit B** is a true and correct copy of Oracle's March 10, 2011 Rule 30(b)(6) notice to Google.

4. Attached as **Exhibit C** is a true and correct copy of Google's March 25, 2011 responses and objections to Oracle's March 10, 2011 deposition notice.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco, California on April 6, 2012.

By: /s/ David Zimmer
DAVID ZIMMER